

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

_____	)	
ELMAGIN CAPITAL LLC,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 2:20-cv-02576-TJS
v.	)	
	)	JURY TRIAL DEMANDED
CHAO CHEN, KARL PETTY,	)	
ENTERGRID LLC, and	)	
ENTERGRID FUND I LLC	)	
	)	
Defendants.	)	
_____	)	

**MOTION FOR EXTENSION OF TIME  
TO RESPOND TO PLAINTIFFS' MOTIONS *IN LIMINE***

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Defendants Chao Chen, Karl Petty, Entergrid LLC and Entergrid Fund I LLC (collectively "Defendants") hereby file this Motion for Extension of Time to Respond to the Motions *in Limine* filed by Plaintiff Elmagin Capital LLC ("Elmagin") [Dkt. Nos. 101, 102, 103 and 104].

On October 19, 2021, the undersigned counsel for Defendants participated in a call with the Court along with Mr. Panzer, Counsel for Entergrid. Several matters were discussed in the call, one of which was the parties' pending Motions *in Limine*. The undersigned raised with the Court Defendants interest in filing an emergency motion to strike three out of the four pending motions *in limine* filed by Plaintiff on the grounds that they were, at least in part, untimely *Daubert* motions. On that same call, the parties also raised with the Court Plaintiff's request for a brief extension of the parties' deadline to respond to motions *in limine* from today, October 25, 2021, to Friday October 29, 2021. After discussion, the Court indicated its preference to have Defendants respond in full to all pending motions *in limine* and to address any waiver arguments

in its responses. In addition, the Court indicated that the parties may have until October 29, 2021 to file their responses to the other side's motions *in limine*.<sup>1</sup>

Given this discussion, Defendants intended to file their responses this Friday, October 29, 2021 and believed Plaintiff would do the same; however, this evening, beginning at about 8:46 p.m., Plaintiff filed its responses to all eight (8) of Defendants motions *in limine* [Dkt. Nos. 125-132 responding to Dkt. Nos. 105-112 respectively]. Of course, had Defendants been aware prior to this evening that Plaintiff intended to file its responses today, they would have either also planned to do so, or would have reached out to the Court earlier to request a formal extension, since Defendants had been acting in reliance on the new deadline since October 19 and timing the preparation of their responses accordingly.

Accordingly, in an abundance of caution, Defendants hereby formally move for a brief extension of time to and including Friday October 29, 2021, to file their responses to Plaintiff's motions *in limine* [Dkt. Nos. 101-104]. Under Federal Rule of Civil Procedure 6(a)(1)(A), the Court may extend the deadline to respond for good cause, provided the request to extend the deadline was made, as it is here, prior to the expiration of the deadline. Under the facts presented herein, Defendants submit that good cause has been shown.

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<sup>1</sup> To the extent that the Court did not formally move today's response deadline by Order, counsel notes that the Court also extended the deadline for the parties to file their joint jury instructions and verdict forms informally, without Order, and thus had assumed the same applied in this situation.

For the foregoing reasons, Defendants thus respectfully request that the Court grant their Motion and extend the deadline for Defendants to respond to Plaintiff's motions *in limine* [Dkt. Nos. 101-104] to and including Friday, October 29, 2021.

Dated October 25, 2021

Respectfully submitted,

/s/ Nicole D. Galli

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Petty, Entergrid LLC and Entergrid Fund I  
LLC*

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that true and correct copies of foregoing document was caused to be served on all parties via ECF filing on the date set forth below.

Dated: October 25, 2021

/s/ Nicole D. Galli  
Nicole D. Galli